

PUBLIC WORKS COMMITTEE

DATE: February 11, 2010

CALLED TO ORDER: 5:30 p.m.

ADJOURNED: 5:55 p.m.

ATTENDANCE

ATTENDING MEMBERS

Mike Speedy, Chairman
Ginny Cain
Benjamin Hunter
Brian Mahern
Dane Mahern
Janice McHenry
Mary Moriarty Adams
Christine Scales

ABSENT MEMBERS

AGENDA

PROPOSAL NO. 132, 2009 - amends the Code to add a new Article VI in Chapter 261 establishing a Green Fleet Policy
"Strike"

Vote: 9-0

PROPOSAL NO. 214, 2009 - approves the purchase of certain land owned by Donro, Inc. by the Department of Public Works for construction of a storm water improvements project
"Do Pass"

Vote: 9-0

PROPOSAL NO. 243, 2009 - approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties
"Postpone" until April 1, 2010

Vote: 9-0

PROPOSAL NO. 45, 2010 - appoints Aaron A. Schmoll to the Air Pollution Control Board
"Do Pass"

Vote: 9-0

PROPOSAL NO. 46, 2010 - approves the request of the Department of Public Works to purchase certain land acquired for construction of a public works project.
"Do Pass"

Vote: 9-0

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City-County Council met on Thursday, February 11, 2010. Chairman Mike Speedy called the meeting to order at 5:30 p.m. with the following members present: Ginny Cain, Benjamin Hunter, Brian Mahern, Dane Mahern, Angela Mansfield, Janice McHenry, Mary Moriarty Adams and Christine Scales.

PROPOSAL NO. 132, 2009 - amends the Code to add a new Article VI in Chapter 261 establishing a Green Fleet Policy

Chairman Speedy stated that Councillor Hunter was instrumental in bringing this proposal to the committee when he was the chairman, and he has put a lot of time and effort into it. He stated that it has been determined that this is a proposal that would work better thru the Office of Sustainability, and that they would like for them to sink their teeth into it and hopefully advance it. Councilor Hunter stated that due to some code sites that do not match, in terms of city codes and state codes, it would be best for the Office of Sustainability to work on this proposal in the future.

Councillor Hunter moved, seconded by Councillor Scales, to "Strike" Proposal No. 132, 2009. The motion carried by a vote of 9-0.

Councillor D. Mahern asked if someone will make sure that this proposal gets moved forward to continue with the progress that has already been made. Councillor Hunter stated that he thinks that this is better to be a policy than an ordinance, and he is going to punt this over to the Office of Sustainability.

PROPOSAL NO. 214, 2009 - approves the purchase of certain land owned by Donro, Inc. by the Department of Public Works for construction of a storm water improvements project.

Jeff Roeder, Mayor's Office, Assistant Chief of Staff, stated that anytime they need to take land that is over \$25,000, they have to come to the committee to get approval to make an offer. He stated that they need authorization to get the two appraisals together. The average of the two appraisals is the opening offer to the constituents, and then it is open for negotiations. He said that the project that they are acquiring the land for is the Frog Hollow drainage project, which will impact about 135 homes and business on the east side. It will divert about 80% of the flood water during rain events away from this area and directly into the river, so that they will not have as many drainage impacts as they do now.

Councillor Moriarty Adams asked where Frog Hollow is located. Mr. Roeder stated that it is in the vicinity of Arlington and Troy Avenues. Councilor Mansfield asked whose district it is located in. Councillor Hunter stated that is in Councillor Plowman's district. Chairman Speedy asked if there will be a fee required or an easement fee title. Mr. Roeder stated that it depends on the project, as sometimes it is temporary easement and sometimes it full easement. He stated that on this project, he thinks there may be a

necessity to take the full land to make sure that the drainage elements that they need actually work. He stated that it is totally based upon need from their engineering standpoint. Chairman Speedy clarified that it will first be a temporary easement, then shrunk to become a permanent one. Mr. Roeder stated that they must have the right to be on the land to do the work that will need to be done, and then they need the actual easement for the drainage project to work.

Councillor D. Mahern asked if there was any roadwork attached to this project. Mr. Roeder stated that they always take into account what is going on in the area, so if they need to do street cuts, they will sometimes go ahead and just repave a strip to make sure that they are not impacting the streets. Chairman Speedy asked if this project was approved in the 2010 budget that was voted on last September. Mr. Roeder stated that Department of Public Works (DPW) has to live within their means on all the projects that they do.

Councillor Moriarty Adams moved, seconded by Councillor Scales, to send Proposal No. 214, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 9-0.

PROPOSAL NO. 243, 2009 - approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties.

Chairman Speedy stated that there are certain requests associated with this proposal that have not been met with respect to information and accommodation, and there is need for additional meetings. Therefore, he would recommend that this be postponed until the April 1, 2010 meeting.

Chairman Speedy stated that he will be meeting with Hamilton County engineers in the capacity of a facilitator and will communicate to them the expectations of the committee and various members in hope that things will be in order by April 1, 2010.

Councillor Mansfield stated that the round-a-bout will cause a continuous flow of traffic with no break in traffic, such that individuals can not get out of their neighborhoods. She stated that she agrees that their needs to be some kind of improvement in that area, but feels that this will not be an improvement for Marion County.

Councillor Hunter moved, seconded by Councillor McHenry, to "postpone" Proposal No. 243, 2009 until April 1, 2010. The motion carried by a vote of 9-0.

PROPOSAL NO. 45, 2010 - appoints Aaron A. Schmoll to the Air Pollution Control Board

Mr. Schmoll stated that he has been an attorney for twelve years and has served with the Indiana Department of Environmental Management (IDEM) for five years. He is currently an Administrative Law Judge with the Indiana Utility Regulatory Commission (IURC).

Councillor D. Mahern asked how much effort Mr. Schmoll will be able to put into fighting for the Air Pollution Board to work toward Marion County having more authority and control. Mr. Schmoll stated that he feels that it will be a goal of anyone involved in air quality issues for central Indiana to take efforts to help produce that. Chairman Speedy thanked Mr. Schmoll for his willingness to serve on this board and stated that he hopes that he enjoys the experience.

Councillor McHenry moved, seconded by Councillor D. Mahern, to send Proposal No. 45, 2010 to the full council with a "Do Pass" recommendation. The motion carried a vote of 9-0.

PROPOSAL NO. 46, 2010 - approves the request of the Department of Public Works to purchase certain land acquired for construction of a public works project.

Chairman Speedy stated that it has been brought to his attention that this requires an acquisition of real estate, but that it is not legally described in the packet and that the exhibits are missing. Chairman Speedy stated that they would proceed assuming that it is okay, but if they find out that it is not, they will have to have a do over.

Dennis Papenmeier, Executive Assistant, DPW stated that anytime the city requires easements that exceed \$25,000, it requires Council approval and that is why they are here. He stated that this proposal is for an easement in the Castleton Relief Sewer project, which is in the vicinity of 71st Street and Keystone Avenue. Mr. Papenmeier stated that essentially this is a project that will provide relief for a number of homes in that area and will increase the capacity of the existing sanitary line that already exists in the area.

Councillor Scales stated that she was at the initial meeting for this project, and the resident's responses were overwhelmingly positive. She asked if the resident's responses changed at all during the last public meeting. Bill Grout, Project Manager, DPW, stated that he feels that the response was much better, because they had a lot more details for the residents. He stated that the property is an old car lot just north of Holland ditch between 71st and 75th streets.

Councillor Mansfield asked if they can make sure that each Councillor receives a copy of the exhibits so that they will be complete. Mr. Gout stated that they would.

Mr. Gout stated that it is 40 to 50 feet wide and several hundred feet long for the permanent easement, and that they will be acquiring a temporary easement for the

construction. Once the project is over, the construction easement goes away and the permanent easement stays in place. Mr. Gout stated that he does not believe the property is being used at this time. Councillor Cain asked if this is across from the Wal-Mart. Mr. Papenmeier stated yes.

Chairman Speedy asked if this is pursuant to the consent degree involving combined sewers. Mr. Gout stated that it is. Chairman Speedy asked if Proposal No. 214, 2009 is also related to the consent degree combining sewers. Mr. Gout stated that he does not believe so.

Chairman Speedy stated that, like the other one, there will be an appraisal process involved. Mr. Papenmeier stated that a "Do Pass" recommendation will give them the ability to pursue this process. Chairman Speedy asked if this was already approved in the 2010 budget. Mr. Papenmeier answered in the affirmative.

Councillor Scales moved, seconded by Councillor Moriarty Adams, to send Proposal No. 46, 2010 to the full Council with a "Do Pass" recommendation. The motion carried a vote of 9-0.

With no further business pending, and upon motion duly made, the Public Works Committee of the City-County Council was adjourned at 5:55 p.m.

Respectfully submitted,

Mike Speedy, Chair

Public Works Committee

MS/kln

EXHIBIT "A"

Sheet 1 of 1

**Project: SS-06-006
Castleton Relief Sewer
Parcel: 2 Permanent Easement**

Argonaut Holdings, Inc. (Instrument 1999-0195806 & Instrument 1999-0195807)

A part of the West Half of the Southwest Quarter of Section 30, Township 17 North, Range 4 East, Marion County, Indiana, and being that part of the grantor's land lying within the permanent easement lines depicted on the attached Easement Parcel Plat, marked Exhibit "B", described as follows: Commencing at the southeast corner of said half-quarter section, designated as point "36" on the Location Control Route Survey Plat recorded in Instrument 2009-103339 in the Office of the Recorder of said county; thence North 00 degrees 12 minutes 53 seconds East 847.40 feet along the east line of said half-quarter section to the prolonged south line of the grantor's land; thence North 89 degrees 26 minutes 47 seconds West 77.15 feet (78.72 feet by Instrument 1999-0195806) along said prolonged south line to the southeast corner of the grantor's land and the point of beginning of this description, which point of beginning is on the west boundary of Keystone Avenue; thence continuing North 89 degrees 26 minutes 47 seconds West 764.20 feet along the south line of the grantor's land to the southwest corner of the grantor's land; thence North 00 degrees 18 minutes 23 seconds East 50.00 feet along the west line of the grantor's land; thence South 89 degrees 26 minutes 47 seconds East 764.65 feet to the west boundary of said Keystone Avenue and point "179" designated on said Parcel Plat; thence South 00 degrees 48 minutes 55 seconds West 50.00 feet along the boundary of said Keystone Avenue to the point of beginning and containing 0.877 acres, more or less.

This description was prepared for the
City of Indianapolis Department of Public Works
on the 28th day of October, 2009.



by Kelly D. Marley
Kelly D. Marley
Indiana Registered Land Surveyor
License Number LS20400016



EXHIBIT "A"

Sheet 1 of 2

Project: SS-06-006
Castleton Relief Sewer
Parcel: 2A Temporary Easement

Argonaut Holdings, Inc. (Instrument 1999-0195806 & Instrument 1999-0195807)

A part of the West Half of the Southwest Quarter of Section 30, Township 17 North, Range 4 East, Marion County, Indiana, described as follows: Commencing at the southeast corner of said half-quarter section, thence North 00 degrees 12 minutes 53 seconds East 847.40 feet along the east line of said half-quarter section to the prolonged south line of the grantor's land; thence North 89 degrees 26 minutes 47 seconds West 77.13 feet (78.72 feet by Instrument 1999-0195806) along said prolonged south line to the southeast corner of the grantor's land and the west boundary of Keystone Avenue; thence North 00 degrees 48 minutes 55 seconds East 50.00 feet along the boundary of said Keystone Avenue to the point of beginning of this description; thence North 89 degrees 26 minutes 47 seconds West 764.65 feet to the west line of the grantor's land; thence North 00 degrees 18 minutes 23 seconds East 90.00 feet along said west line; thence South 89 degrees 26 minutes 47 seconds East 719.29 feet; thence North 03 degrees 47 minutes 04 seconds East 26.21 feet; thence Northerly 189.06 feet along an arc to the right and having a radius of 42,400.16 feet and subtended by a long chord having a bearing of North 01 degree 07 minutes 28 seconds East and a length of 189.06 feet to the north line of the land described in said Instrument 1999-0195806; thence South 89 degrees 26 minutes 47 seconds East 50.00 feet along said north line to the west boundary of said Keystone Avenue; thence along the boundary of said Keystone Avenue Southerly 190.73 feet along an arc to the left and having a radius of 42,350.17 feet and subtended by a long chord having a bearing of South 01 degree 07 minutes 26 seconds West and a length of 190.73 feet (189.67 feet and 189.65 feet by said Instrument 1999-0195806); thence South 03 degrees 47 minutes 04 seconds West 100.31 feet (101.75 feet and 101.70 feet by said Instrument 1999-0195806) along said boundary; thence South 00 degrees 48 minutes 55 seconds West 14.35 feet along said boundary to the point of beginning.

EXCEPTING THEREFROM the following real estate described in a Memorandum of Option and Lease Agreement recorded in Instrument 1998-0119146: Part of the West Half of the Southwest Quarter of Section 30, Township 17 North, Range 4 East, 2nd P.M., Marion Co., Indiana, more particularly described as follows: Commencing at the Southeast corner of the West Half of the Southwest Quarter of Section 30, Township 17 North, Range 4 East, 2nd P.M., Marion Co., Indiana; thence North 00 degrees 28 minutes 00 seconds West (deed bearing) 1197.94 feet on the East line of the West Half of said Southwest Quarter; thence South 89 degrees 02 minutes 29 seconds West 125.63 feet; thence South 00 degrees 44 minutes 06 seconds East 41.00 feet; thence North 89 degrees 54 minutes 08 seconds West 293.33 feet; thence South 00 degrees 29 minutes 45 seconds West 189.55 feet to a 5/8" diameter rebar w/cap marked "Weibe Engr 0012" ("capped rebar") at the POINT OF BEGINNING; thence South 00 degrees 29 minutes 45 seconds West 50.00 feet to a capped rebar; thence North 89 degrees 30 minutes 15 seconds West 50.00 feet to a

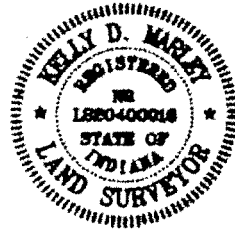
EXHIBIT "A"

Sheet 2 of 2

Project: SS-06-006
Castleton Relief Sewer
Parcel: 2A Temporary Easement (cont.)

capped rebar; thence North 00 degrees 29 minutes 45 seconds East 50.00 feet to a capped rebar; thence South 89 degrees 30 minutes 15 seconds East 50.00 feet to the POINT OF BEGINNING.

Containing after said exception 1.774 acres, more or less. All bearings in this description which are not quoted from previous instruments are based on the bearing system defined in the Location Control Route Survey recorded in Instrument 2009-103339.



This description was prepared for the
City of Indianapolis Department of Public Works
on the 28th day of October, 2009.

by Kelly D. Marley
Kelly D. Marley
Indiana Registered Land Surveyor
License Number LS20400016



EXHIBIT "B"

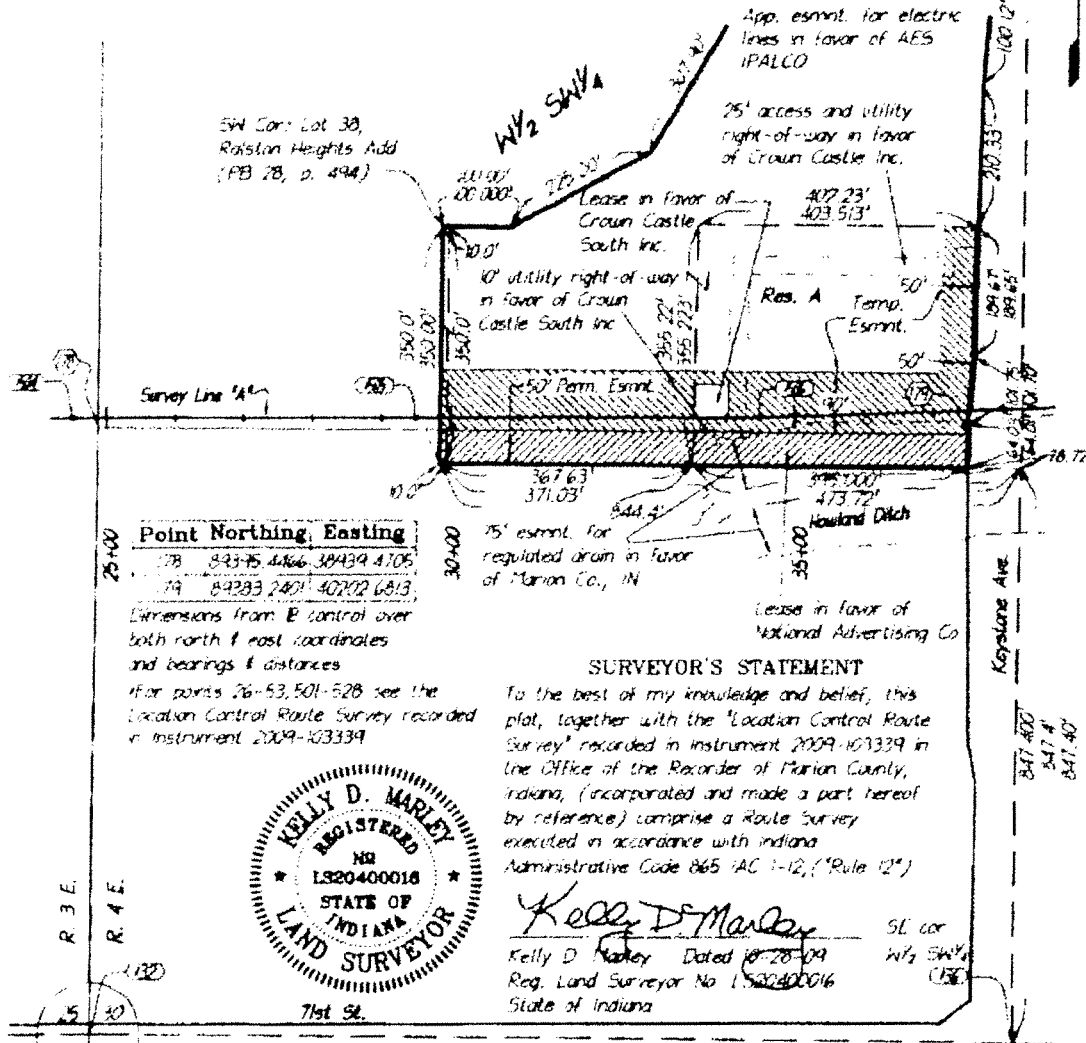
EASEMENT PARCEL PLAT

Prepared for the City of Indianapolis Department of Public Works
by USI Consultants, Inc. (Job #2009-075)

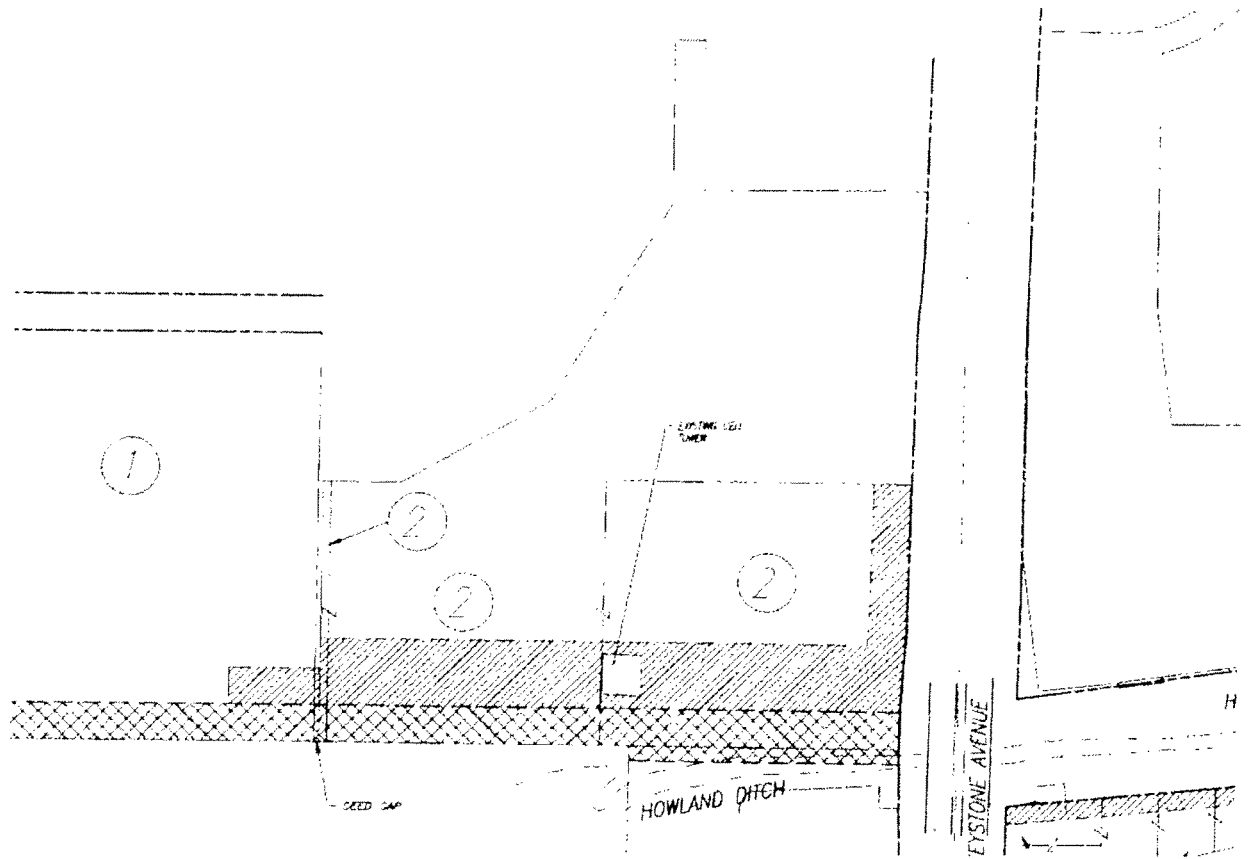
SHEET 1 OF 1

7' 50' 20' 200'

SCALE 1" = 200'



PARCEL	OWNER	DRAWN BY
PROJECT		CHECKED BY
NAME		
COUNTY		
TOWNSHIP		
RANGE		
HATCHED AREA IS THE APPROXIMATE TAXING		
USI CONSULTANTS		
REGISTERED LAND SURVEYOR		
NOTED		DATED
NOTED		DATED



1/12/2010
date

ARE YOU CURRENTLY, OR HAVE YOU IN THE PAST, BEEN APPOINTED TO ANY LOCAL BOARD OR COMMISSION?

No

(Continued)

BOARD INTEREST AND EXPERIENCE

IF SERVING NOW, WOULD THIS BE A REAPPOINTMENT? N/A
(yes, no, not applicable)

YEAR THAT YOU WERE FIRST APPOINTED N/A
(yes, no, not applicable)

SOME INFORMATION ABOUT YOU

COMMUNITY INVOLVEMENT:

Member of St. Monica Catholic Church

EDUCATION:

Indiana University B.S. Geology, 1994, J.D. 1997

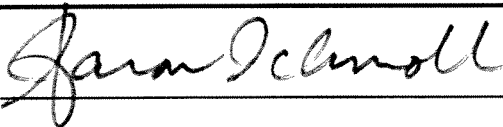
REFERENCES:

AVAILABLE ON REQUEST

USE THIS SPACE FOR ANY ADDITIONAL RELEVANT INFORMATION THAT WOULD BE HELPFUL

Served as environmental attorney with the Indiana Department of Environmental Management primarily focused on litigation and enforcement of federal and state air permits (1997-2002).

SIGNED



BACKGROUND CHECK AUTHORIZATION

(Must be completed in order to be considered for appointment)

Name Aaron Schmoll County Marion

Street Address/City/State/Zip 4225 Roland Road/Indianapolis/IN/46228

Date of Birth (mm/dd/yy) 11/28/72 Age 37 SSN (Driver's License # 1900017393)

Have you ever been convicted of a felony or misdemeanor, EXCLUDING traffic violations?
Circle One: YES NO If yes, please explain all conviction details and dates.

I give my permission to the City County Council/City of Indianapolis to conduct a background investigation, which will include the release of criminal records, as part of the processing of this application for appointment/reappointment.

Signature  Date 1/12/10 Phone 317-232-2711

FOR INTERNAL USE ONLY

Identity Verification: YES NO Initials____Date_____

Criminal History Check: YES NO Initials____Date_____